

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

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|-----------------------------------|---|----------------------------------|
| KEVIN MARTIN, D.O. |) | No. ED96814 |
| NATURAL GUARDIAN AND |) | |
| CONSERVATOR FOR BLAKE MARTIN, |) | |
| |) | |
| Respondent, |) | |
| |) | |
| v. |) | Appeal from the Circuit Court of |
| |) | Cape Girardeau County |
| AUGUST A. BUSCH, IV, |) | Cause No. 11CG-CC00090 |
| |) | Honorable William L. Syler |
| Respondent, |) | |
| |) | |
| v. |) | |
| |) | |
| LARRY EBY and CHRISTINE TRAMPLER, |) | |
| |) | |
| Appellant. |) | Filed: December 27, 2011 |

Larry Eby and Christine Trampler appeal the Circuit Court of Cape Girardeau County's denial of their motion to intervene in the wrongful death suit brought by Kevin Martin for Blake Martin against August A. Busch IV. Both Appellants claim they were entitled to intervene as a matter of right under Rule 52.12(a) and *Fitzpatrick v. Hannibal Regional Hosp.*, 922 S.W.2d 840 (Mo. App. E.D. 1996).

REVERSED AND REMANDED.

DIVISION ONE HOLDS: The trial court erred in denying Larry Eby's and Christine Trampler's motion to intervene. Eby and Trampler had an absolute right to intervene as members of the class defined in Section 537.080.1(1).

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, J.

Attorneys for Appellant Larry Eby: Mathew W. Placzek, Jenifer M. Placzek, Jonathan P. Davis

Attorneys for Appellant Christine Trampler: Timothy W. Monsees, David M. Mayer, Andrew S. LeRoy, John Q. Kelly

Attorneys for Respondent Kevin Martin for Blake Martin: John P. Heisserer, Malcolm H. Montgomery

Attorneys for Respondent August A. Busch IV: Maurice B. Graham

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.